

Invitation to October 2018 roundtable

The Court will host the third in a series of occasional roundtable discussions about probate filings and hearings on Monday, October 29, 2018, at noon. The Court's goals for the roundtable discussions include sharing its observations about common errors in pleadings and seeking input from counsel as to how to expedite matters from counsel's point of view. Topics for the next roundtable discussion are sought; they may be e-mailed to Legal Research Attorney Karie Lew at klew@tuolumne.courts.ca.gov. While counsel are requested to include sufficient detail for the Court to be prepared to address the topic in a meaningful way, counsel are cautioned to avoid ex parte communications regarding ongoing cases. (See Cal. Rules of Court, rule 7.10.) In addition, if counsel wish to receive invitations to this and future roundtable discussions by e-mail, they are asked to e-mail their request to Ms. Lew.

PR10045

Conservatorship of Merle R. Tibbetts

Hearing type: Sixth and final account and report of conservator; petition for fees and discharge
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has read and considered the pleading filed on October 4, 2018. Appearance required to address the following issues:

1. Person(s) entitled to notice of the hearing.
2. The difference between the property on hand at the end of the fifth accounting period as reflected in the amended pleading filed on June 7, 2017, and the amount chargeable from the prior accounting as reflected in the instant pleading.
3. The balance remaining in the burial trust.

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PROBATE NOTES: Friday, October 19, 2018

These notes are not updated based on subsequent filings once they are posted.

PR10521 Conservatorship of Ronald Jackson

Hearing type: Fifth and final account and report of conservator; petition for fees and discharge
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has read and considered the pleading filed on October 4, 2018. Appearance required to address the following issues:

1. The need for amended summaries of account and schedules.
2. The difference between the property on hand at the end of the fourth accounting period as reflected in the pleading filed on August 11, 2017, and the amount chargeable from the prior accounting as reflected in the instant pleading.
3. The Inventory and Appraisal forms filed in this case.
4. The waiver of deferred fees for Conservator and its counsel.

PR11010 Estate of Bruce Andrew Wing

Hearing type: Report on status of administration (Prob. Code, § 12200)
Administrator: Steven T. Wing
Administrator's counsel: None

The Court has read and considered the report filed on September 24, 2018. Appearance not required. The next review hearing pursuant to Probate Code section 12200 will be set for May 3, 2019, at 8:30 a.m.

PR11096 LPS Conservatorship

Hearing type: Fourth account and report of conservator; petition for fees
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

The Court has read and considered the pleading filed on October 4, 2018. Appearance required to address the following issues:

1. The difference between the property on hand at the end of the third accounting period as reflected in the pleading filed on December 13, 2017, and the amount chargeable from the prior accounting as reflected in the instant pleading.
2. Conservator's method for accounting for payments into the burial trust.

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PROBATE NOTES: Friday, October 19, 2018

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PR11355 Estate of June M. Kristapovich

Hearing type: Further hearing re report on status of administration (Prob. Code, § 12200)
Executor: Greg Kristapovich
Executor's counsel: Michael R. Germain

The Court has read and considered the report filed on August 23, 2018, and the supplement filed on October 4, 2018. Appearance required.

**PR11366 In the Matter of the Louis E. Dolinshek & Betty L. Dolinshek
Family Trust**

Hearing type: Petition to Compel a Trust Accounting
Petitioner: Keith Dolinshek
Petitioner's counsel: None
Trustee: Cynthia L. Vollmer
Trustee's counsel: Alan D. Hamilton

The Court has preliminarily reviewed the petition filed on September 4, 2018. The petition is not verified and lacks other statutorily required elements. As of October 14, 2018, proof of service of notice of the hearing had not been filed. In addition, the Court questions whether Petitioner intends to pursue the petition given the statement in the "Notice of Withdrawal of Notices of Pendency of Action (Lis Pendens)" filed by Petitioner on September 18, 2018, that "the disputes leading to the recording of such documents have been settled and compromised." Appearance of Petitioner required.

PR11367 Estate of Larry M. Freschi

Hearing type: Further hearing re final distribution
Administrator: Karen Robles
Administrator's counsel: Paul S. Bunt

Administrator's report on the status of administration dated March 5, 2018, and filed on April 6, 2018, stated that the income tax return for the estate would be filed by the end of March 2018 and that the "petition for close [sic] the probate estate will be filed immediately thereafter." At the hearing on August 10, 2018, Administrator's counsel stated that the petition for final distribution was ready except for the financial information. At the hearing on August 31, 2018, Administrator's counsel stated that the petition for final distribution would be filed that week. As of October 14, 2018, the petition for final distribution still had not been filed. Appearance of Administrator and her counsel required.

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PR11413 Estate of Janet Lee Hamilton

Hearing type: Report on status of administration (Prob. Code, § 12200)
Administrator: Tuolumne County Public Administrator
Administrator's counsel: County Counsel

The Court has read and considered the report filed on September 28, 2018. Appearance not required. The next review hearing pursuant to Probate Code section 12200 will be set for April 19, 2019, at 8:30 a.m.

PR11450 Estate of Morris Melvin Rivard

Hearing type: Motion to Waive Appraisal by Probate Referee
Executor: Richard G. Wight
Executor's counsel: Patrick B. Greenwell

The Court has read and considered the "motion" filed on August 24, 2018. As of October 14, 2018, no opposition had been filed. The petition is recommended for approval. Appearance not required.

PR11520 Estate of Sheila K. Daley

Hearing type: Review re inventory and appraisal
Administrator with
 will annexed: Timothy P. Daley
Administrator's counsel: Tamara M. Polley

The Court has reviewed the Inventory and Appraisal form filed on September 20, 2018. Appearance not required.

PR11548 Estate of Warren Patrick Lynch

Hearing type: Review re inventory and appraisal
Executor: Kelli Lynch Davis
Executor's counsel: Cynthia R. Hadell

The Court has reviewed the Inventory and Appraisal form filed on October 9, 2018. Appearance not required.

The Court notes that Executor and her counsel failed to comply with California Rules of Court, rule 1.201, subdivision (a)(2) with respect to attachment 1.

PROBATE NOTES: Friday, October 19, 2018

These notes are not updated based on subsequent filings once they are posted.

PR11571 Estate of Margaret Van Ausdal

Hearing type: Amended petition for letters of administration
Petitioner: Catherine M. Howard
Petitioner's counsel: None

The Court has read and considered the amended petition filed on September 7, 2018, and notes the following issues:

1. As of October 14, 2018, proof of publication of notice of the amended petition had not been filed.
2. The proof of personal service attached to the amended petition is defective because it is not attached to mandatory Judicial Council form DE-121 (Notice of Petition to Administer Estate) and because Petitioner, who is a party, is not permitted to effect service.

Once these issues are resolved, the amended petition will be recommended for approval.
Appearance required.

PR11580 In the Matter of the Coss Family Trust

Hearing type: Review re filing of petition in proper venue
Petitioner: Lori Lee Schrader
Petitioner's counsel: Alan D. Hamilton

On September 28, 2018, the Court denied the petition filed on August 16, 2018, on the ground that venue was not proper in Tuolumne County, and it set the instant review hearing to confirm filing of the petition in the proper venue. On October 15, 2018, Petitioner filed a "withdrawal" of the petition. As the petition initiated the case, the Court interprets the withdrawal to be a request for dismissal of the case. Appearance not required.

PR11589 Matter of Ann Morgan Hardison Pirruccello

Hearing type: Petition to determine succession to real and personal property
Petitioner: Alan Pirruccello
Petitioner's counsel: Brian Chou

The Court has read and considered the petition filed on September 4, 2018. As of October 14, 2018, no proof of service of notice of the hearing had been filed. Appearance required to address questions related to (1) the relatives and interested persons listed in the petition and (2) the Inventory and Appraisal form.

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PR11097 Conservatorship of Avis N. Haney

Hearing type: Review re court investigator's report (Prob. Code, § 1850)
Conservator: Jack G. Haney
Conservator's counsel: None

The Court has read and considered the report filed on September 26, 2018. Appearance not required. A review hearing re the court investigator's next report will be set for October 16, 2020, at 8:30 a.m.

PR9778 Conservatorship of Andrew Jason Crowe

Hearing type: Review re court investigator's report (Prob. Code, § 1850.5)
Conservator: Cheryl Kohler-Crowe
Conservator's counsel: Jennifer J. Lothert

The Court has read and considered the report filed on September 28, 2018. Appearance not required. A review hearing re the court investigator's next report will be set for October 16, 2020, at 8:30 a.m. So long as Conservatee's living arrangements remain the same, the court investigator may give Conservator prior notice of her next visit to Conservatee as part of the periodic review of the conservatorship pursuant to Probate Code section 1850.5, subdivision (a); such prior notice is found to be necessary pursuant to Probate Code section 1851, subdivision (a)(1) based on information in the instant report.

PR10490 Guardianship of Jeremiah Jay Swanson

Hearing type: Review re Confidential Guardianship Status Report
Guardians: Suzanne Beutler, Priscilla Kirkland, and Kellie Swanson
Guardians' counsel: None

As of October 14, 2018, the report had not been filed. Appearance required if it is not filed prior to the hearing.

PR11175 Guardianship of Macy A. Dobbs

Hearing type: Review re termination of guardianship by operation of law
Guardian: Kurtis Hubbard
Guardian's counsel: None

The guardianship terminated by operation of law on the former ward's eighteenth birthday. Appearance not required.

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PR11219 Guardianship of Jessica Arillya Holden-Souza

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Jerri Lynn Souza
Guardian's counsel: None

The Court has read and considered the report filed on September 14, 2018. Appearance not required. A review hearing re the next annual Confidential Guardianship Status Report will be set for October 18, 2019, at 8:30 a.m.

PR11467 Guardianship of Hannah Webb, et al.

Hearing type: Review re Confidential Guardianship Status Reports
Guardian: Theresa Blackwood
Guardian's counsel: None

As of October 14, 2018, the reports had not been filed. Appearance required if they are not filed prior to the hearing.

PR11470 Guardianship of Sergio R. De La Rosa

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Jessica C. Robles
Guardian's counsel: None

The Court has read and considered the report filed on September 25, 2018, and notes the following information is missing:

1. Number of years at current address (item 1b)
2. Full names and contact information for the ward's physician and dentist (item 4c)

Guardian may use Judicial Council form MC-030 (Declaration) to file the missing information. Appearance required if the missing information is not filed prior to the hearing.

As to the apparent change of the ward's personal residence since the guardianship was established last year, the Court notes that Guardian failed to comply with various authorities governing changes of residence. (See Prob. Code, § 2352; Cal. Rules of Court, rule 7.1013; local rule 6.05.0.) Guardian shall file and serve Judicial Council form GC-080 (Post-Move Notice of Change of Residence of Ward) no later than November 9, 2018. A review hearing to confirm filing of the notice and proof of service will be set for November 30, 2018, at 8:30 a.m.